



007037-000440.KAG.209201/am

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re continuation patent application of: )

Loren J. Field )

Serial No.: 09/878,011 )

Filed: June 8, 2001 )

MYOCARDIAL GRAFTS AND  
CELLULAR COMPOSITIONS USEFUL  
FOR SAME )

) Before the Examiner:

) Group Art Unit:

I hereby certify that this correspondence  
is being deposited with the United  
States Postal Service as first class mail  
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Assistant Commissioner for Patents,  
Washington, D.C. 20231 on  
March 3, 2003

(Date of Deposit)

Kenneth A. Gandy

Name of Registered Representative

*Kenneth A. Gandy*

Signature

March 3, 2003

Date of Signature

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**  
**(37. C.F.R. 1.321 (c))**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Advanced Research & Technology Institute, a nonprofit entity incorporated in the State of Indiana, 1100 Waterway Boulevard, Indianapolis, Indiana 46202 (the "Petitioner"), is the assignee of the entire right, title and interest in and to the above-captioned patent application (the "Instant Application") by virtue of a chain of title as shown below:

A. Assignment from the inventor, Loren J. Field, to Indiana University Foundation, document recorded in the United States Patent and Trademark Office at Reel 6981, Frame 0754.

B. Assignment from Indiana University Foundation to Advanced

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Research & Technology Institute, document recorded in the United States Patent and Trademark Office at Reel 8861, Frames 0293-0314.

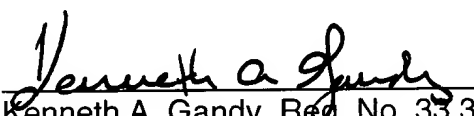
Petitioner hereby disclaims, except as provided hereafter, the terminal part of the statutory term of any patent granted on the instant Application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer filed prior to its grant, of United States Patent No. 5,602,301 issued February 11, 1997, for MYOCARDIAL GRAFTS AND CELLULAR COMPOSITIONS USEFUL FOR SAME (hereafter the "Issued Patent"). Assignment of said Issued Patent to Petitioner is also shown by the above-identified chain of title.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the Instant Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of said Issued Patent, as shortened by any terminal disclaimer filed prior to the grant of said Issued Patent, in the event that said Issued Patent: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Petitioner agrees that any patent granted on the Instant Application shall be enforceable only for and during such period that it and said Issued Patent are commonly owned. This agreement runs with any patent granted on the Instant Application and is binding upon grantee, its successors or assigns.

Respectfully submitted,

By:

  
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